

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN REGIONAL COUNCIL
OF CARPENTERS,

Plaintiff,

Case No. 13-cv-14566
Hon. Matthew F. Leitman

v.

GLENN SMITH *et al.*,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR DEFAULT
JUDGMENT AS TO DEFENDANT GLENN SMITH (ECF #57)**

THIS MATTER CAME before the Court on Plaintiff's Motion for the Entry of a Default Judgment. (*See* ECF #57.) The Court, being fully advised in the premises, finds that:

1. Attorney Jeffrey J. Randa, previous attorney for Defendant Glenn Smith ("Smith"), filed a Motion for Withdrawal of Attorney on September 23, 2016 (the "Motion for Withdrawal"). (*See* ECF #51.)
2. The Motion for Withdrawal was not contested by any party to this litigation.
3. After having reviewed the Motion for Withdrawal, this Court entered an Order granting the Motion on October 20, 2016 (the "Withdrawal Order"). (*See* ECF #53.)

4. The Withdrawal Order required Smith to retain new counsel or state his intention to proceed *pro se* and confirm his mailing address within thirty (30) days of said Order's entry, or no later than November 23, 2016. (*See id.*) The Withdrawal Order further warned Smith that his failure to comply with the order could result in, among other things, the entry of a default judgment. (*See id.* at 2, Pg. ID 210.)
5. Smith has neither informed the Court that he has retained new counsel nor stated in writing to this Court that he intends to proceed *pro se* with a confirmation of his mailing address.
6. Plaintiff has informed the Court that it has verified with the Postmaster that Smith's address has not changed and remains the P.O. Box address noted in this matter. (*See* ECF #57-1.)
7. In addition to the verification of Smith's P.O. Box address, Plaintiff informed the Court that it identified Smith's physical address as 4405 Phillips Road, Metamora, MI 48455 and it has served him with the Motion for Default Judgment on Monday, January 16, 2017. (*See* ECF #58.)
8. Based upon the Court's entry of the Withdrawal Order, and due to Smith's failure to act in accordance with that Order, Plaintiff requested a Default and Default Judgment be entered against Smith in

an amount of \$605,231.33, as found due by a forensic audit published on January 28, 2014. (*See* ECF #57-2.)

9. Further, Plaintiff requested additional (treble) damages and reasonable attorneys' fees be awarded based upon Smith's conversion of said monies at issue in this case and as addressed in the forensic audit noted herein.

10. Plaintiff has represented to the Court that Smith is not an infant, or incompetent person and is not engaged in the military service.

ACCORDINGLY, IT IS HEREBY ORDERED that Plaintiff shall have judgment against Defendant Glenn Smith pursuant to 29 U.S.C. § 1132(g)(2) in the amount of \$605,231.33, trebled due to conversion to the amount of \$1,815,693.90, plus court costs of \$2,600.43, attorney fees in the amount of \$46,655.50, interest, and any other such sums as this Honorable Court may deem just and equitable.

IT IS FURTHER ORDERED that this Honorable Court shall retain jurisdiction of this matter pending satisfaction of this judgment and/or compliance with any additional orders.

Dated: March 10, 2017

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 10, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(313) 234-5113